F-045-1-921 JCT. I-10-Mesa HIGHWAY 8th Ave.-2nd Ave.- Unit II

### INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT entered into this 7 day of \_\_\_\_\_\_\_\_\_, 1982 between the STATE OF ARIZONA, acting by and throughouts DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the CITY OF MESA, a municipal corporation, acting by and through its City Council, hereinafter called "City";

WHEREAS, State is empowered by Section 28-108 Arizona Revised Statutes to enter into this agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of the State; and

WHEREAS, City is empowered by Section 9-672 Arizona Revised Statutes to enter into this agreement and acting by and through its duly elected governing body has, by resolution, a copy of which is attached hereto and made a part hereof as Exhibit "A", resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of City; and

WHEREAS, City has designed a storm drain system for Country Club Drive (S.R. 87) between 8th Ave. and 2nd Ave., to accommodate runoff from Country Club Drive and intersecting city streets; and

WHEREAS, State will benefit from installation of the drain system which will carry runoff from Country Club Drive, a designated State Highway; and

WHEREAS, City has requested that State share in the cost of said storm drain system by an amount proportionate to the benefit derived by State from said drainage system; and

WHEREAS, State and City agree that State's proportionate share in the cost of installing said storm drain system shall be the sum of FIFTY SIX THOUSAND (\$56,000) Dollars.

THEREFORE, the parties hereto covenant and agree as follows:

#### STATE SHALL:

Deposit with the City within 30 days following award of contract the amount of FIFTY SIX THOUSAND (\$56,000) DOLLARS, as its only obligation hereunder, to be used by the City for construction of said storm drain system; and

### CITY SHALL:

- 1. Use the funds received from State solely for construction costs of said storm drain system.
- 2. Pay all additional costs required to complete construction of said drain system and place it in operation.
- 3. Save and hold State harmless from any and all liability arising from the construction and operation of said storm drain system.
- 4. Shall be solely responsible for the operation and maintenance of said storm drain system.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511 Arizona Revised Statutes.

NO. ....7.7.2.7

FILED WITH SECRETARY OF STAT

This agreement shall remain in full force and effect until completion of the work herein embraced in accordance with the terms of this agreement, or until earlier termination by either State or City upon thirty (30) days written notice of that intent, provided however, that the parties hereto shall retain any continuing obligations contemplated by this agreement. In the event of such termination a determination shall be made by all parties hereto as to the benefits each shall derive from the construction completed as of the date of termination and a pro rata refund made to each party commensurate with such benefits.

This agreement shall become effective on the date of filing same with the Secretary of State.

Exhibit "B" which is attached hereto and incorporated herein by reference is a copy of the written determination of the appropriate attorney that City is authorized under the laws of this State to enter into this agreement and that said agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF MESA

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Title: ('17) //wwoch

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CITY CLERK

JDC:éa 2-25-82 STATE OF ARIZONA

DEPARTMENT OF TRANSPORTATION

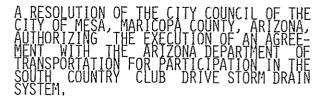
. F. Sandlin

Deputy State Engineer



I, DORTHE M. DANA, THE DULY APPOINTED AND QUALIFIED CITY CLERK OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, DO HEREBY CERTIFY THAT THE ATTACHED COPY OF RESOLUTION NO. 5043, ENTITLED:

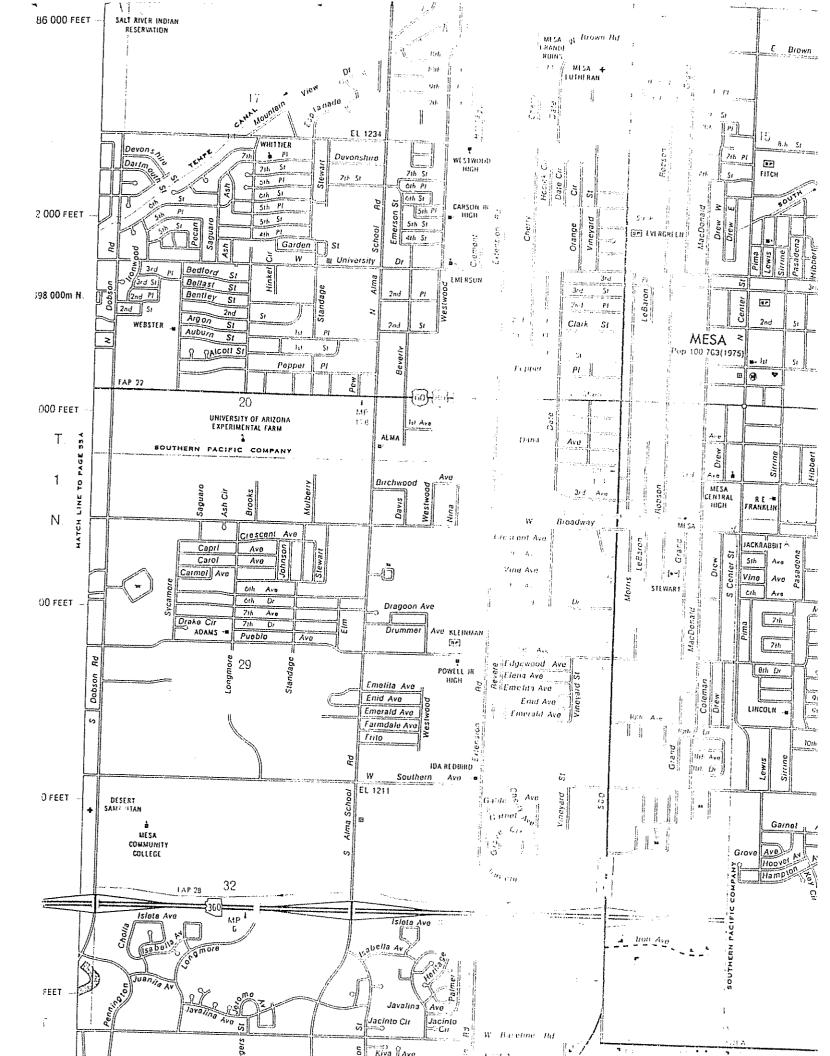
RESOLUTION NO. 5043



IS A TRUE, CORRECT AND COMPARED COPY OF THE ORIGINAL OF RECORD, AND ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MESA, ARIZONA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THE CITY OF MESA, MARICOPA COUNTY, STATE OF ARIZONA, THIS <u>26TH</u> DAY OF <u>APRIL</u>, 19 82 .

DORTHE M. DANA, CITY CLERK



Project F-045-1-521 JCT. I-10 - MESA HWY. 8th Ave. to 2nd Ave.

#### RESOLUTION

BE IT RESOLVED on this <u>3rd</u> day of <u>March</u>, 1982, that I, W. A. Ordway, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with the City of Mesa for joint development of a storm drainage system for S.R. 87 (Country Club Drive) and adjacent city streets.

Therefore, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

W. A. Ordway, Director Arizona Department of

Transportation

JDC:ea 2-26-82

# RESOLUTION NO. 5043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF AN AGREE-MENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR PARTICIPATION IN THE SOUTH COUNTRY CLUB DRIVE STORM DRAIN SYSTEM.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That the Intergovernmental Agreement between the City of Mesa and the Arizona Department of Transportation for participation by the Arizona Department of Transportation in the South Country Club Drive storm drain system, between Eighth Avenue and Second Avenue, a true and correct copy of which agreement is attached to this resolution, is hereby approved.

Section 2: That the City Manager is authorized and directed on behalf of the City of Mesa to execute the agreement, and the City Clerk is authorized and directed to attest to, the signature of the City Manager thereon.

PASSES AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 5th day of April, 1982.

APPROVED:

Con W. Strauch

ATTEST:

City Clerk Kens

OFFICE OF THE



# Attorney General

TRANSPORTATION DIVISION 1275 WEST WASHINGTON PHOENIX, ARIZONA 85007 (602) 255-1680 ROBERT K. CORBIN

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## INTERGOVERNMENTAL AGREEMENT

### **DETERMINATION**

A. G. Contract No. <u>\$2-236</u>, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 3 day of May, 1982.

ROBERT K. CORBIN Attorney General

Assistant Attorney General Transportation Division

RECEIVED

MAY 4 1982

CONDEMNATION